

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Oksana Matveeva	Team: Squad #8	CCRB Case #: 201810182	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/14/2018 3:00 PM	Location of Incident: Inside of the 23rd Precinct stationhouse	Precinct: 23	18 Mo. SOL 3/14/2020	EO SOL 3/14/2020	
Date/Time CV Reported Mon, 09/17/2018 9:51 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/17/2018 9:51 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Eliezer Caraballo	03885	917379	023 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Felix Sanchez	23974	965501	023 PCT
2. POM Savonn Hillcecil	17567	964059	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Eliezer Caraballo	Abuse: Sergeant Eliezer Caraballo did not process § 87(2)(b) s complaint regarding an officer.	

### Summary of Complaint

September 17, 2018, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On September 14, 2018, at approximately 3:00 p.m., § 87(2)(b) went to the 23<sup>rd</sup> Precinct stationhouse to file a complaint against his arresting officer, Police Officer Felix Sanchez from the 23<sup>rd</sup> Precinct. PO Sanchez discussed the procedure with his supervisor, Sergeant Eliezer Caraballo, assigned to the 23<sup>rd</sup> Precinct, who advised him to provide the CCRB's contact information to § 87(2)(b) which PO Sanchez did (**Allegation A: Abuse of Authority, § 87(2)(g)**).

There was no video footage in this case.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Sergeant Eliezer Caraballo did not process § 87(2)(b)'s complaint regarding an officer.**

It is undisputed that on September 14, 2018, at approximately 3:00 p.m., § 87(2)(b) went to the 23<sup>rd</sup> Precinct stationhouse.

According to § 87(2)(b)'s sworn statement [Board Review 01], he was advised by his attorney to go to the 23<sup>rd</sup> Precinct stationhouse and file a complaint against the police officers involved in his wrongful arrest on September 13, 2018. § 87(2)(b) went to the stationhouse and saw PO Sanchez. He informed PO Sanchez that he wanted to file a complaint against his arresting officers. PO Sanchez went to the back room and returned with a female individual who identified herself as a sergeant. § 87(2)(b) told her that he was there to file a complaint against his arresting officers for a wrongful arrest. The sergeant told § 87(2)(b) that he could not make any complaints against a police officer at the stationhouse; instead he would need to call the three-digit number that she wrote on a piece of paper and provided to him.

In his testimony to the CCRB [Board Review 02], PO Sanchez stated that he was assigned to the 23 Precinct stationhouse as stationhouse security. § 87(2)(b) entered the stationhouse and went straight to the 124 Room. PO Sanchez overheard § 87(2)(b) talking to a police officer in the 124 Room. PO Sanchez did not recall who was assigned to the 124 Room. He recognized § 87(2)(b) from a prior incident on September 13, 2018, when § 87(2)(b) was arrested by PO Sanchez. PO Sanchez overheard § 87(2)(b) telling the 124 Room officer that he wanted to file a complaint against somebody, however, he did not clarify whom he wanted to file a complaint against. PO Sanchez told § 87(2)(b) that he could not take his complaint, however, he could provide him with the CCRB's contact information. PO Sanchez then spoke with the desk officer who informed PO Sanchez that he should provide the CCRB's contact information to § 87(2)(b). PO Sanchez did not recall who was assigned to the front desk. PO Sanchez remarked that

the sergeant did not talk to § 87(2)(b) directly. PO Sanchez wrote down the CCRB's phone number, his name and shield number on a piece of paper and handed it to § 87(2)(b)

Sgt. Caraballo, who was assigned as the desk officer, stated that he did not recall this incident. After multiple attempts to refresh Sgt. Caraballo's memory, he still did not recall the incident or § 87(2)(b). Sgt. Caraballo did not refuse to process § 87(2)(b)'s complaint, nor did he hear other officers refuse to process § 87(2)(b)'s complaint. Sgt. Caraballo confirmed that he supervised two officers - PO Felix Sanchez, who was assigned to the stationhouse security, and PO Hill-Cecil, who was assigned to the stationhouse as a T/S operator [Board Review 03].

In his testimony to the CCRB [Board Review 04], PO Savonn Hill-Cecil from the 23<sup>rd</sup> Precinct stated that he was initially assigned to the stationhouse as a T/S operator, however, at the beginning of his tour, he was re-assigned to Captain Altcheri as an x/o operator. PO Hill-Cecil remarked that he was not aware if any civilians came to the stationhouse to file a complaint against another officer.

§ 87(2)(g)

[REDACTED]

NYPD Patrol Guide Procedure 207-31 [Board Review 05] regarding Processing Civilian Complaints states that a uniformed member of service must "record and initiate investigation of complaints from civilians alleging misconduct by uniformed members of service. Complaints against uniformed members of service may be made at any patrol precinct, police service area, transit district, traffic unit, Internal Affairs Bureau, or any other office of the Department, including the Office of the Police Commissioner or office of a deputy commissioner."

§ 87(2)(g)

[REDACTED]

**Civilian and Officer CCRB Histories**

- This is the second CCRB complaint to which § 87(2)(b) has been a party [Board Review 06].
- Sgt. Caraballo has been a member of service for 22 years and has been a subject in six CCRB complaints and seven allegations, none of which were substantiated.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- On April 8, 2019, a request to determine if a Notice of Claim was filed was submitted. Confirmation from the New York City Office of the Comptroller will be forwarded upon receipt [Board Review 07].
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City [Board Review 08].

---

Squad No.:      8

Investigator:	_____	Inv. Oksana Matveeva	04/08/2019
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date